

A BILL

To amend chapter 7 of title 5, *United States Code*, to clarify statutory access to judicial review of agency action, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CLARIFYING STATUTORY ACCESS TO JUDICIAL REVIEW OF AGENCY ACTION.**

(a) RULES OF CONSTRUCTION.—(1) Chapter 7 of title 5, *United States Code*, is amended by adding at the end the following:

**“§ 707. Rules of construction**

(a) PURPOSE; APPLICABILITY.—The purpose of this section is to promote clarity and uniformity in proceedings for judicial review of agency action under various provisions of law. Accordingly, the rules of construction in this section (1) apply to any proceeding for judicial review of agency action under any provision of law, whether enacted before or after the date of enactment of this section; and (2) supersede any such provision of law to the extent of any inconsistency, except to the extent that the provision of law, by specific reference to this section, exempts itself from the application of this section.

(b) COMPUTATION OF TIME.—When computing the last eligible date for commencing the proceeding, apply the rules on computation of time in Rule 6(a) of the Federal Rules of Civil Procedure, if the proceeding is to be brought in district court; or Rule 26(a) of the Federal Rules of Appellate Procedure, if the proceeding is to be brought in the court of appeals. For a provision of law in which the computation of time is triggered by the issuance of a rule, the computation of time shall be triggered by the publication of the rule in an issue of the *Federal Register*.

(c) STYLE OF DOCUMENT.—The proceeding, when brought in district court, shall be commenced by filing a complaint, as contemplated by Rule 3 of the Federal Rules of Civil Procedure; and when brought in a court of appeals, shall be commenced by filing a petition for review, as contemplated by Rule 15 of the Federal Rules of Appellate Procedure. If a party commences the proceeding by filing a document styled in some other manner, the court shall treat the document as if it were styled as a complaint or petition for review, as appropriate.

(d) CONTENT REQUIREMENTS.—The contents of the complaint or petition for review shall be treated as sufficient if they comply with either the content requirements of the provision of law under which the proceeding is brought or the content requirements of the applicable rules of court.

(e) JURISDICTION.—If a provision of law authorizes the proceeding to be brought in a specified federal court, the specified federal court shall have jurisdiction over the proceeding.

(f) REQUIREMENT OF SIMULTANEOUS SERVICE.—If a provision of law requires the party filing the complaint or petition for review to serve or otherwise notify the agency simultaneous

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46 with the filing, the requirement is satisfied if the party does so within 14 days after the  
47 filing.”.

48 (2) The table of sections for chapter 7 of title 5 is amended by inserting after the item  
49 related to section 706 the following:

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51 “707. Rules of construction.”.

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53 (b) ELIMINATION OF REQUIREMENT THAT PETITION FOR REVIEW OF AGENCY ACTION BE RECEIVED  
54 FROM SPECIFIC PERSONS.—Section 2112(a)(1) of title 28, *United States Code*, is amended by  
55 striking “receives, from the persons instituting the proceedings, the petition for review”  
56 both places it appears and inserting “receives a petition for review”.